

FLOOD CONTROL ADVISORY BOARD

MINUTES

December 6, 2000

The monthly meeting of the Flood Control Advisory Board was called to order by Chairman Patel at 2:03 p.m. on Wednesday, December 6, 2000.

Board Members Present: Hemant Patel, Chairman; Shirley Long, Vice Chair; Mike Saager, Secretary; Melvin Martin; Scott Ward; Tom Callow, Ex Officio; Paul Cherrington, Ex Officio.

Staff Members Present: Mike Ellegood, Chief Engineer and General Manager; Julie Lemmon, General Counsel; Tom Johnson, Deputy Chief Engineer/Division Manager; Dick Perreault, CIP/Policy Branch Manager; Greg Jones, Project Manager; Kathy Smith, Clerk of the FCAB; Monica Ortiz, Administrative Coordinator.

Guests Present: Andrew Cooper, City of Goodyear; Kara Myers, MCDOT; Bryan Patterson, City of Chandler.

Mr. Patel began the meeting by welcoming the newest Advisory Board member, Scott Ward. Mr. Ward was appointed to the Flood Control Advisory Board by Supervisor Fulton Brock to represent District 1.

1) **APPROVAL OF THE MINUTES OF THE MEETING OF NOVEMBER 8, 2000**

ACTION: It was moved by Mr. Martin and seconded by Ms. Long to approve the minutes as submitted. The motion carried unanimously.

2) **2001 FCAB MEETING DATES**

The 2001 FCAB meeting dates were provided to the Board for approval.

ACTION: It was moved by Mr. Martin and seconded by Mr. Callow to approve the meeting dates for 2001.

3) **FY 01/02 PRIORITIZATION RECOMMENDATION FOR THE CAPITAL IMPROVEMENTS PROGRAM (CIP) BUDGET**

Dick Perreault, CIP/Policy Branch Manager, presented this as an action item. This year, the District received 26 requests from 11 cities, towns, and Indian Communities and 1 FCD request. Of these requests, fifteen are being recommended for further action, five are being deferred until the Area Drainage Master Plan can be completed, five were for planning efforts, and two are not

being recommended. Mr. Perreault briefly went over the status of the CIP projects that were requested this year. Proposed FCD expenditures total approximately \$307 million. Mr. Perreault noted that the District's Five-year CIP is about \$300 million. The \$307 million represents more than five years worth of work, and a few projects are in the CIP that did not go through prioritization, such as the Area Drainage Master Studies. There is more than five years worth of effort here for the District at their current funding limits.

Staff recommends that the Flood Control Advisory Board approve the FY 01/02 Prioritization Procedure for Identifying and Prioritizing Potential Five-year CIP Projects and that Draft Table 3 be finalized and mailed to all agencies on the District's CIP mailing list. Projects not currently included in the District's Five-year CIP will be added to a future CIP, subject to project agreements and the availability of funding.

Discussion:

Patel: I understand our policy in terms of how we prioritize projects, but do we need a policy about how long we hold onto a project that doesn't come about because of funding issues with our partners or other issues that come up? Are there enough projects in the "holding basin?"

Perreault: We've had a few projects that we've actually deleted from our Table 3 list over the last couple of years where we've gone back to the proponents because of lack of activity. It's been somewhat of an informal basis as opposed to saying there is a certain time limit. The District is planning to have a review of our program with the communities sometime in April. This is something we've said we would do every two years.

Patel: If I understand our funding program, we're allocating this money and then when we don't spend it, other agencies or folks outside the District may be eyeing that money and we are having to constantly explain that the money has been committed. I'm wondering if we need to be a little more proactive in terms of moving projects around to keep spending the money.

Ellegood: Once the funds are in the District's budget, they stay in the budget and become part of the carry-over into the next year. For the past few years, we've had a substantial carry-over, largely as a result of projects falling out of the CIP or we couldn't get rights-of-way, couldn't get a funding partner, couldn't get the permit approvals, etc. What does happen, if we are reviewed as a County department and we carry this huge amount of funds into the next fiscal year, is they look at the carry-over and ask why they need to fund us at our current level. At the same time, a lot of projects are very valid, very worthwhile, necessary, and appropriate. As an example, the Desert Greenbelt projects in north Scottsdale – they are essential to provide flood protection for several thousand homes. Scottsdale, for a variety of reasons, isn't certain whether to proceed with this project or not. We may have to reallocate those funds. If we get the approval for a project that has that level of positive benefit, we'll need to renew funds in order to build that while we can to get folks out of harms way. The system isn't perfect, but it seems to be working. Mr. Perreault has done a magnificent job in allocating these funds and moving them back and forth. This is definitely something that should be discussed at the meeting in April.

Ward: Do you prioritize these needs, in that high growth areas or potential growth areas, maybe State land that would come up for sale that would increase benefit to the State or to the County, do you ever prioritize these to increase revenues?

Perreault: We do not prioritize the projects specifically to increase revenues. The process that we have been following now for seven or eight years is that we accept project requests annually from all the municipalities within the County and select agencies. These projects are all submitted at the same time to us. In July, the submitted projects are evaluated by an internal committee, somewhat separate from management, and are evaluated on specific criteria. We go through the internal process of prioritizing them, looking at different factors – what does the project actually do, who does it benefit, is it primarily a flood control project or does it have other secondary-type benefits from our prospective, is it a multi-use project, what are the

environmental benefits, what are the project cost and who will be participating with us, and who is going to be doing operations & maintenance. Heretofore, we have not determined if it is State land or municipally owned land or some other category, so we've not evaluated on that. I can provide you with the background of how we do this and what our process & procedure is and maybe that would help you.

Patel: Dick has a real helpful history on this process and detail on what exactly the scoring system is.

Perreault: We now have our current Five-year CIP Program on our Internet site. This year's prioritization procedure – all the results, the background, the narrative, etc. – are also on our web site.

ACTION: It was moved by Mr. Cherrington and seconded by Ms. Long to approve staff recommendation. The motion carried unanimously with the exception of Mr. Martin who abstained for cause.

4) BULLARD WASH PHASE II

Greg Jones, Project Manager, presented Resolution FCD 2000R016 to negotiate and prepare IGAs for design, construction, construction management, and operations and maintenance. It also includes the authorization for advance land acquisition and funding in the Capital Improvement Program. The specific provisions of the IGA have not yet been determined, but it is expected that the 50/50 cost share will be maintained as was proposed. A negotiated IGA will be brought back to this Board for approval.

Project benefits include:

- ✍ Providing a Regional Outfall from north of I-10 to the Gila River
- ✍ Reducing the floodplain to within the limits of the project
- ✍ Promoting public safety
- ✍ Providing multiple use opportunities

Staff recommends that the Flood Control Advisory Board approve and recommend that the Board of Directors adopt Resolution FCD 2000R016 for the Bullard Wash Phase II Project.

Discussion:

Patel: How much of the budget is for right-of-way acquisition?

Jones: Approximately \$6 million.

Patel: What is the concept for the actual channel, is it a hard channel?

Jones: The concept at this point in time is a soft channel, multiple use, earthen-lined. We are proposing a 300-foot wide corridor from the existing channel up to just north of McDowell.

Cherrington: The increased flows that have been recently determined, what is the history of that?

Jones: The increased flows that have been determined in the White Tanks Area Drainage Master Plan Update have been revised due to the change in methodology. The changes are due to revised run-off factors off the White Tanks Mountains. Basically, the new values go back to between the current existing drainage and what the old SCS analyses indicated would come off the White Tanks. Also, due to the culmination of routings from new developments, it increases flows.

Cherrington: So the original study was done by SCS?

Jones: The original study was done by WLB. The SCS methodology was used to size the White Tanks #3 Dam, which is in this watershed.

Cherrington: Were it not for the increased flows, would you not have to divert to the I-10? Would you simply use the Bullard Wash Phase I channels?

Jones: We would still do channelization and take it south. We'd still indicate some diversions across over to east-west diversions.

Cherrington: There would still be east-west diversions?

Jones: There would still be a need for east-west diversions.

Cherrington: It just increased because of a more recent study?

Jones: That's one of the primary reasons.

Martin: Is the Loop 303 creating part of the problem?

Jones: No, these are existing conditions that we are talking about.

Martin: In the slides we saw, I didn't see any houses in the flooding area. Is there a projection of what we are doing here?

Jones: What we are trying to do is get out in front of development so that we can get the facility in at a less expensive cost.

Ward: Have you met with David Ramirez from the Town of Goodyear and discussed this with him? Are they going to be a partner in the development of this?

Jones: Yes. Would the Town of Goodyear like to speak on their behalf?

Andrew Cooper, City of Goodyear, Public Works Department introduced himself.

Long: Is this a 50/50 cost share?

Cooper: Yes it is a 50/50 split.

Ward: How are you going to design the basin?

Jones: The proposed methodology of designing the ADOT basins at this time is a multiple use facility using turf/grass.

Ward: Is Goodyear looking at this in any type of amenity? There is always a need for soccer fields or baseball fields, etc. promoting it to be an active environment?

Cooper: What the City of Goodyear is looking to do is turn this into a lineal park. For pedestrians, bikes, horses, etc. We would eventually like to link this right on up to the White Tanks Regional Park.

Saager: Is there any potential development that could impact the current flow as it stands now? Is there any kind of general plan that would maybe impact this to where we would have to go back and tweak the drainage?

Cooper: Our master plan recognizes that the Bullard Wash needs to be channelized. Subsequently, we are keeping development near the Bullard Wash away from that alignment. Right now there is one development on the west side of Bullard Wash, just north of Van Buren. Those developments that are being built up are planned around the Wash.

Saager: Is that in your agreement that you have with the County? Is it documented that if there are any expenses or any changes in the drainage that come up in the future, the City of Goodyear will absorb those costs and not the County?

Cooper: I don't know if we have such an agreement with the County. For any new developments if the developer actually owns part of the Bullard Wash, we require that they dedicate that land to the City of Goodyear for open space. They cannot develop in it and impede the drainage.

Martin: Do you make them retain their own water?

Cooper: Yes, we do on-site with retention basins.

Martin: So with the volume of flow, if that gets developed and they've retained their water, you still feel you need that?

Jones: Yes, because of the revised methodology. We are showing that there is an increase in flows regardless of future development.

Patel: So the flows are coming in from outside Goodyear.

Jones: Yes, they are actually coming from the White Tanks Mountains.

Patel: What are the crossings going to be at the three streets that you mentioned that got flooded in this last event – bridges, culverts?

Jones: We are expecting box culverts.

Ward: Is the Goodyear Airport impacted by this channel?

Cooper: Yes it is.

Ward: Is the Goodyear Airport a free trade zone?

Cooper: Actually the airport is owned by the City of Phoenix.

Ward: Have we explored Federal funding for any of this?

Jones: At this point in time we have not sought any outside funding partners. We will seek, during the course of the project as we go on, other funding sources such as MCDOT, Federal, other County and State.

Long: Is this the first substantial project that the Flood Control District has attempted with this new proactive style with this amount of money involved?

Johnson: We built Phase I of the Bullard Wash project, which was completed about a year ago. The project began at the Gila River and extended around north of the Goodyear Airport to south of Yuma Road. The purpose of the project was to provide a drainage outfall for all the flooding that occurred in the vicinity of MC85, the Goodyear Airport in that area. The project that Greg is asking for approval to begin working on the IGA takes over where that other project left off. It was always in our long-range plan that a Phase II of Bullard Wash would come along. This Phase II of Bullard Wash alleviates additional flooding along the cross streets. That is a very important step to be taken care of for the reasons he mentioned. It also provides an outlet for much of the run-off coming out of the White Tanks area.

Long: How long ago was that feasibility study that we are basing this on?

Johnson: The original study of the White Tanks ADMP was done in 1992. We are in the process now of updating that study and that is what you see before you. One of the questions earlier was that you didn't notice any rooftops. This is a very dynamic area and we've worked long and hard with the City of Goodyear in crafting a project that would fit into their general plan to provide an amenity for the City. With regards to the question about retention with respect to developers, the City has pretty aggressively put together a plan in working with the developers out there and having them dedicate some of this land for the project, so it cuts the City's and the District's costs. To this point, it's been a team effort and the City has been included every step of the way.

ACTION: It was moved by Mr. Cherrington and seconded by Mr. Callow to approve staff recommendations. The motion carried six to one, with Mr. Martin voting against the item.

5) CONSTRUCTION PROJECT UPDATE

Tom Johnson, Deputy Chief Engineer/Division Manager, gave an update on five different constructions projects that are currently under way. The projects reviewed included: East Mesa Basins 1-5, Santan Phase III, Southeast Phoenix Regional Basin, Golden Eagle Park Dam, Phoenix Rio Salado, and the Osborn Road Storm Drain.

Discussion:

Martin: Does the District have any liability when the contractor is pumping water out on the site?

Johnson: No, the contractor has the liability. Those are for the contractor's convenience and how he chooses to handle that is pretty much his call.

Martin: I'm surprised our specification wouldn't make him fence that.

Lemmon: One of the things we require in our construction contracts is that they carry hefty insurance. We essentially turn the site over to them once the construction site is established. They make those decisions, although our construction manager has some oversight. The construction company organizes and sets up the site and the contractor carries a lot of insurance. The contractor also indemnifies us above and beyond the amount of the insurance.

Johnson: In this case, the contractor has security guards on site to keep people away. He did have problems early on with people going out there with quads and dirt bikes.

Ward: I applaud you for the Golden Eagle Park Dam. I think any time you can harmonize with the cities and create those type of amenities and the cities accept those for maintenance purposes, they are a lot more aesthetically appealing than the functional cement all over the valley. I think if that is your premise to try to work those drainage environments into those type of amenities, that can be win, win for a lot of people.

Johnson: Thank you. If we can make a project look stealthy, that's what we like to do.

6) COMMENTS FROM THE CHIEF ENGINEER AND GENERAL MANAGER

Mr. Ellegood, on behalf of the Flood Control District, welcomed Mr. Ward to the Flood Control Advisory Board. He invited Mr. Ward to visit with several of the District's key staff members prior to the next Board meeting. Questions concerning the District's prioritization system, vision, and integration of multi-use facilities into their projects would be answered more completely in a face-to-face meeting.

Secondly, Mr. Ellegood mentioned that this past month the District was involved in a condemnation lawsuit in which one of the District's Board members and a consultant were asked to testify for the opposing side. This brings up some real issues of conflict of interest.

Julie Lemmon, Legal Counsel for the Flood Control District, asked the Board members that if they have anything that is coming up and they are concerned about it to please call her. She cautioned that they could have a conflict that involves their personal interest, and that is something that should be brought up. She further cautioned that if they are involved in any kind of litigation where the District is involved, that they notify her or the District. This is for the protection of both the District and the Board members so that District staff or witnesses aren't tainted, or potentially say something that would cause problems in litigation.

Ms. Lemmon explained that there are five members that sit on the Advisory Board because they are appointed by the Supervisor in the District in which they live, which is covered under Arizona Statute. Two members sit by virtue of the organization they work for. Salt River Project is the largest agricultural improvement district in the County, so if there were ever to be one bigger than SRP, they would be appointed to the Advisory Board and replace Mr. Cherrington. By Statute, Mr. Callow represents the City of Phoenix and sits by virtue as the biggest city. If another city outgrows Phoenix, they get the seat on the Advisory Board. Ms. Lemmon mentioned that when there are different people sitting in for Mr. Cherrington or Mr. Callow that's okay because they have full voting privileges. The Advisory Board is a statutory entity, and the only thing that really does govern the Board members is the conflict of interest laws that deal with public bodies. As a reminder, Ms. Lemmon mentioned the event that happened of an unintended public meeting. If there is a quorum of Advisory Board members at an event, for instance if the District does something and the Board members all show up because they are interested in it, please let the District know. If four or more Board members show up at an event, then it's a public meeting that must be noticed.

Mr. Ellegood mentioned the Rawhide Wash, Reatta Pass, Desert Greenbelt projects in north Scottsdale. He attended a work session for the City Council and there is still quite a bit of controversy. The Mayor requested that there be another public meeting sometime in January and Mr. Ellegood will be attending this meeting to discuss the importance of this project to the residents of Scottsdale.

Mr. Ellegood briefly discussed the project in Laveen – the Maricopa Drain. The District is in the process of assembling the property from landowners in the community of Laveen. There was a small glitch, but it appears to be working now and the District anticipates that this project will be moving ahead very shortly. Mr. Ellegood mentioned that this is the first time he is aware of that there has been such a successful public/private partnership.

Mr. Ellegood mentioned that in the process of constructing the low flow channel of the Phoenix Rio Salado project, the District found a landfill in the middle of the river. This has created a problem in terms of what to do with it. The District is working on the most cost-effective method of dealing with the landfill, which is basically to separate the construction debris from soil and attempt to recycle the soil and debris out of the landfill. This has increased the cost of the project substantially, so much so that Phase II cannot be completed within the existing budget. The City of Phoenix has asked the District for additional funds. This is currently being handled with the Board of Directors and the District is uncertain as to what the outcome will be. There is an estimated increase of \$9 million on an \$11 million total project for Phase I & II.

Finally, Mr. Ellegood noted that Shag Rogers' term on the Advisory Board expired in October. Mr. Ward was selected by Supervisor Brock to replace Mr. Rogers. Mr. Ellegood mentioned that we have an award to present to him and will do so during the Board of Supervisors meeting in early January. Mr. Ellegood remarked that Mr. Rogers made significant contributions to the Advisory Board and was a good resource for him.

7) SUMMARY OF RECENT ACTIONS BY THE BOARD OF DIRECTORS

Mr. Ellegood mentioned that the agenda items that have recently been passed are included in the FCAB packet.

8) OTHER BUSINESS AND COMMENTS FROM THE PUBLIC

There was no other business or comments from the public.

The meeting was adjourned at 3:13 p.m. by general consent.

Mike Saager
Secretary of the Board

Kathy Smith
Clerk of the Board